

Commission to "summon any witness" for clarity and consistency with terminology used in this and other revised articles of the Code. Under Md. Rule 1-202(z), "summons" means a document that notifies a person of a court action. Under Md. Rule 1-202(y), "subpoena" means a document that requires "attendance at a particular time and place to take the action specified therein". Correspondingly, in subsection (e)(1) of this section, the reference to failing to appear when "personally served with a subpoena" is substituted for the former reference to failing to appear "at the time and place specified, in answer to said summons".

In subsection (d)(2) of this section, the former reference to administering "affirmations" is deleted in light of Art. 1, § 9 of the Code, which provides that "[w]henever an oath is required by this Code an affirmation shall be sufficient, if made by a person conscientiously scrupulous of taking an oath".

In subsection (d)(3) of this section, the reference to "examin[ing] witnesses under oath" is added for clarity and consistency with similar provisions in this and other revised articles of the Code. See, e.g., BR § 10-201(b), CL § 13-405(a), FL § 9-209(b), FI §§ 11-214(b)(2), 11-515(d)(3), and 12-419(b)(2), HG § 19-718(c), IN §§ 2-203(a)(2), 8-319(c)(3), and 8-461(b)(2), LE § 9-404(i)(1)(ii), and SG § 9-1605(c)(3).

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the meaning of the reference to a fine of "not less than \$25" in subsection (e)(1) of this section, which is derived from former Art. 41, § 4-606, is unclear in light of Art. 27, § 643, which allows a court to impose "a lesser penalty of the same character". The General Assembly may wish to clarify whether subsection (e)(1) was intended to create a mandatory minimum penalty of \$25. The Committee was unable to resolve this question with any certainty because the applicability of Art. 27, § 643 to former Art. 41, § 4-606 is unclear. In State v. Fisher, 204 Md. 307, 315 (1953), Robertson v. Warden, 212 Md. 646, 648 (in dicta)(1956), Woodfork v. State, 3 Md. App. 622, 624-625 (1967), and Dodson v. State, 14 Md. App. 483, 485-486 (1971), the courts held that Art. 27, § 643 is controlling only with regard to statutory penalty provisions that existed at the time of its adoption in 1906 but that it might also be given effect as to subsequently enacted laws "by construction". The original version of former Art. 41, § 4-606 was enacted in 1914. See Ch. 500, Acts of 1914. Accordingly, under the above cases, Art. 27, § 643 was not applicable to former Art. 41, § 4-606 unless it was given effect "by construction". However, the relevancy of those decisions to this issue is unclear because Art. 27, § 643 was repealed and reenacted three times after the last of those cases was decided in 1971. In 1972, § 643 was made applicable to the newly formed District Court. See Ch. 181, Acts of 1972. In 1982, the obsolete reference to the "Criminal Court of Baltimore" was deleted from § 643. See Ch. 820, Acts of 1982. In the 1988 Corrective Bill, the reference to the imposition of a "lesser" penalty was substituted for the former reference to the imposition of a "less" penalty. See Ch. 6, Acts of 1988. In